

Examiner-Initiated Interview Summary	Application No. 10/800,829	Applicant(s) PETERSEN, NEWTON G.	
	Examiner DAVID J. HUISMAN	Art Unit 2183	

All Participants:

(1) DAVID J. HUISMAN.

(2) Jeffry Hood, Reg. No. 35,198.

Date of Interview: 15 May 2008

Type of Interview:

☒ Telephonic

☐ Video Conference

☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☐ No

If Yes, provide a brief description: _____

Part I.

Rejection(s) discussed:
N/A

Claims discussed:
1, 5, and 16

Prior art documents discussed:
N/A

Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:
see attached sheet

Part III.

☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

Status of Application: _____

(3) _____

(4) _____

Time: 4:00 pm

(Applicant/Applicant's Representative Signature – if appropriate)

The examiner telephoned the attorney of record after reconsidering the allowance of the "substantially" language in claims 1, 5, and 16. Though "substantially equal" has been held to be definite in at least one known instance in the past, the examiner asserts that it is not definite in this particular case because there is not a single guideline in the specification as to how such language should be interpreted. In the relevant case law, "substantially equal" antenna patterns were deemed definite because the patterns, though very similar, could never truly be equal. In applicant's particular invention, the claimed portions could be equal as shown in claim 8 and it is not clear what portion sizes would constitute substantially equal portions. While one of ordinary skill in the art might be able to think of a situation in which the claimed portions would be substantially equal, it is not clear if that is the only situation covered by "substantially equal", and, hence, the true metes and bounds of the aforementioned claims are indeterminable at least for this reason. Applicant agreed to remove "substantially" from the claims such that the claimed portions hold equal amounts of caller history. This is clearly supported in Fig.8.